

REMARKS

Claims 2, 5 and 10 have been objected to by the Examiner for the reasons set forth in paragraphs 1, 2 and 3 of the Examiner's Office Action. These objections are respectfully traversed.

As the Examiner will note, claims 2 and 5 have been amended as suggested by the Examiner. In addition, claim 10 has been rewritten in independent form thereby eliminating the Examiner's objection with respect to claim 10. Accordingly, it is believed that all of the objections raised by the Examiner have been obviated.

Terminal Disclaimer

Claims 1-10 have been provisionally rejected by the Examiner on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 14-22 of co-pending application no. 10/537,099. This provisional double patenting rejection is respectfully traversed.

Because the innovative concept of the present invention is only claimed in combination with the innovative concept of the co-pending application, it is believed that the provisional double patenting rejection is improper and accordingly reconsideration thereof is respectfully requested.

In any event, in an effort to expedite prosecution of the present application, concurrent with the filing of the present amendment, the Applicants are filing a Terminal Disclaimer thereby eliminating the provisional non-statutory obviousness-type double patenting rejection.

Application No. 10/537,098
Amendment dated July 22, 2008
Reply to Office Action of February 22, 2008

Docket No.: 2409-0155PUS1

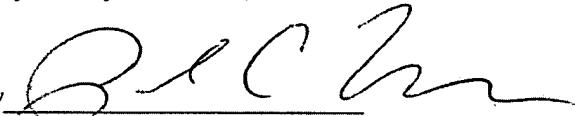
Since the Examiner in paragraph 6 of this office action has indicated that claims 1-10 would be allowed upon the filing of a proper terminal disclaimer, it is now believed the present application is in condition for allowance and accordingly an early notice of allowance is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Joseph A. Kolasch, Reg. No. 22,463 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

Dated: July 22, 2008

Respectfully submitted,

By 
Paul C. Lewis
Registration No.: 43,368
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

ATTACHMENT: TERMINAL DISCLAIMER AND FEE